



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : June 18, 2007
S. Ravikumar et al.
Group Art Unit: 2174 : Examiner: Ryan F. Pitaro
Serial No.: 10/035,999 : Filed: 12/31/2001
Attorney Docket: ARC9-2001-0121-US1 : Confirmation No.: 2455
Title: GRAPHICAL USER INTERFACE TOOLS FOR SPECIFYING
PREFERENCES IN E-COMMERCE APPLICATIONS

REPLY BRIEF

Director of the USPTO

Sir:

This reply brief is submitted under 37 CFR 1.193(b) in response to the Examiner's Answer mailed on April 18, 2007.

The Answer asserts in paragraph 4 that no amendment after final has been filed. That is incorrect. An amendment after final was filed on October 1, 2006, in which claims 8 and 10-12 were canceled. A copy of this amendment after final is provided. The Advisory Action cover sheet indicates the final amendment was indeed entered. Comments in the Examiner's Answer regarding claims 8 and 10-12 are therefore moot.

The Examiner's Answer includes conclusory remarks on points that are refuted again by Appellants. First, the Examiner notes that Sasaki displays a list of camera names in order of decreasing frequency of use, which is true, but the Examiner then states "In other words, according to the use of a user or the preference of a user to choose a camera, the pull down menu items are rearranged." This is inaccurate and misleading. The frequency of use is not the same as a user preference, and the

assumption should not be made that frequent use necessarily indicates a preference. The present invention enables a user to easily and intuitively specify preferences (page 1 line 5), without requiring or indeed desiring any inference or linkage to any frequency. The fact that an airline passenger has historically taken redeye flights for example (page 5 lines 15-17) should not lock that passenger into getting only redeye flights in the future, as would apparently be the case under the Examiner's logic.

Next, the Examiner states that Kaplan "distinctly points out moving an item of a pull down menu such that the relative positions of said items correspond to relative user preferences." and cites column 5 lines 16-24 of Kaplan. That is again somewhat misleading. Kaplan goes to frequency, not to a specified preference as denoted above, i.e. Kaplan allows the layout and design of an interface to be modified so that frequently used menu choices appear higher in a menu list. In contrast, every one of the independent claims in the present invention is directed to specifying preferences describing variables in electronic commerce transactions, while none of the prior art references teach or suggest this limitation.

The Examiner then states "While the user may not physically move, i.e. drag and drop the menu items in to positions relative to user preferences, the claims do not convey this." That is unclear, as every one of the independent claims in the present invention is indeed directed to moving labeled items in a pull-down menu representing user choices. If the Examiner admits that Kaplan does not teach or suggest physically moving menu items, Appellants concur.

Applicants thus respectfully request that the rejection of all appealed claims be overruled.

Respectfully submitted,

S. Ravikumar et al.

By Marc D. McSwain

Marc D. McSwain (#44,929)

Agent for Applicants

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misleading. The frequency of use is not the same as a user preference, and the

assumption should not be made that frequent use necessarily indicates a preference.

The present invention enables a user to easily and intuitively specify preferences (page 1 line 5), without requiring or indeed desiring any inference or linkage to any frequency. The fact that an airline passenger has historically taken redeye flights for example (page 5 lines 15-17) should not lock that passenger into getting only redeye flights in the future, as would apparently be the case under the Examiner's logic.

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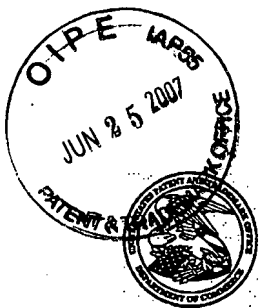
S. Ravikumar et al.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,999	12/31/2001	Shanmugasundaram Ravikumar	ARC920020121US1	2455
33360	7590	11/01/2005	EXAMINER	
MARK D. MCSWAIN IBM ALMADEN RESEARCH CENTER, IP LAW DEPT. 650 HARRY ROAD CHTA/J2B SAN JOSE, CA 95120			PITARO, RYAN F	
			ART UNIT	PAPER NUMBER
			2174	

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



COPY

Advisory Action Before the Filing of an Appeal Brief

Application No.

10/035,999

Applicant(s)

RAVIKUMAR ET AL.

Examiner

Ryan F. Pitaro

Art Unit

2174

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 October 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

(b) ☐ They raise the issue of new matter (see NOTE below);

(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-7, 9, 14-17.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s): _____.

13. ☐ Other: _____.

Kristine Vincaid

SUPERVISOR
TECHNOLOGY CENTER 2100

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Continuation Sheet (PTOL-303)

Application No.

Continuation of 11. does NOT place the application in condition for allowance because: Response to Arguments
Applicant argues that Kaplan is invalid prior art under 35 U.S.C. 103(a). However, Kaplan qualifies as prior art under 35 U.S.C. 102(b), and therefore Claim 1 stands rejected as in the Office Action dated 7/1/2005. Applicant also argues that Sasaki fails to teach enabling a user to delete items representing unacceptable user choices. However, Sasaki does in fact teach a user selecting and deselecting which cameras are active and which are not (Column 11 lines 55-65) which directly results in determining which cameras have power and the resulting list is updated accordingly. .



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10/035,999

 Graphical user interface tools for specifying preferences
 in e-commerce applications

Select New Case	Application Data	Transaction History	Image File Wrapper	Published Documents	Address & Attorney/Agent
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Transaction History

Date	Transaction Description
06-11-2007	Return of Undocketed appeal to the TC
06-11-2007	Exam. Ans. Review Complete
04-18-2007	Mail Examiner's Answer
04-16-2007	Examiner's Answer to Appeal Brief
02-03-2007	Appeal Brief Review Complete
02-03-2007	Date Forwarded to Examiner
12-20-2006	Appeal Brief Filed
12-05-2006	Notice of Appeal Filed
11-15-2006	Mail Non-Final Rejection
11-13-2006	Non-Final Rejection
09-11-2006	Appeal Brief Review Complete
09-11-2006	Date Forwarded to Examiner
08-18-2006	Appeal Brief Filed
07-17-2006	Notice -- Defective Appeal Brief
05-06-2006	Date Forwarded to Examiner
05-03-2006	Defective / Incomplete Appeal Brief Filed
05-03-2006	Appeal Brief Filed
05-03-2006	Request for Extension of Time - Granted
05-03-2006	Miscellaneous Incoming Letter
12-05-2005	Notice of Appeal Filed
12-05-2005	Request for Extension of Time - Granted
11-01-2005	Mail Advisory Action (PTOL - 303)
10-29-2005	Advisory Action (PTOL-303)
10-18-2005	Date Forwarded to Examiner
10-07-2005	Amendment after Final Rejection
07-01-2005	Mail Final Rejection (PTOL - 326)
06-27-2005	Final Rejection
04-21-2005	Date Forwarded to Examiner
04-08-2005	Response after Non-Final Action
04-08-2005	Request for Extension of Time - Granted
12-02-2004	Mail Non-Final Rejection
11-29-2004	Non-Final Rejection
10-29-2004	Case Docketed to Examiner in GAU
07-14-2004	Case Docketed to Examiner in GAU
01-07-2002	Miscellaneous Incoming Letter
01-07-2002	Reference capture on IDS
05-28-2004	IFW TSS Processing by Tech Center Complete
09-11-2003	Correspondence Address Change
04-16-2002	Case Docketed to Examiner in GAU

01-07-2002 Information Disclosure Statement (IDS) Filed
01-07-2002 Information Disclosure Statement (IDS) Filed
04-02-2002 Application Dispatched from OIPE
04-01-2002 Application Is Now Complete
02-22-2002 Additional Application Filing Fees
02-22-2002 A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic
01-16-2002 IFW Scan & PACR Auto Security Review
12-31-2001 Initial Exam Team nn

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AT-1274 IAW

COMMISSIONER FOR PATENTS
ALEXANDRIA, VA 22313

Docket No. ARC9-2001-0121-US1
(PATENT)

Transmitted herewith for filing in the Application of: S. Ravikumar et al. Serial No.: 10/035,999

Title: **GRAPHICAL USER INTERFACE TOOLS FOR SPECIFYING
PREFERENCES IN E-COMMERCE APPLICATIONS**

are the following:

- ✓ Amendment After Final
- ✓ NO ADDITIONAL FEE IS REQUIRED

OTHER THAN A SMALL ENTITY	Claims Remaining After Amendment	Highest No. Previously Paid for	Extra	Rate	Additional Fee
SUBTOTAL FROM ABOVE					\$0.00
TOTAL CLAIMS	12	17	0	× 50 =	\$0.00
INDEPENDENT CLAIMS	4	4	0	× 200 =	\$0.00
MULTIPLE DEP. CLAIM PRESENTED				+360 =	\$0.00
TOTAL					\$0.00

Please charge my Deposit Account No. 09-0441 in the amount of \$0.00.
A duplicate copy of this sheet is attached.

The Commissioner is hereby authorized to charge payment for any additional filing fees required under 37 CFR 1.16 or any patent application processing fees under 37 CFR 1.17 in association with this communication or credit any overpayment to Deposit Account No. 09-0441. A duplicate copy of this sheet is attached.

CERTIFICATE OF MAILING

I hereby certify that the above paper/fee is being deposited with the United States Postal Service as first-class mail with sufficient postage in an envelope addressed to Commissioner for Patents, Mail Stop AF, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit: October 1, 2005

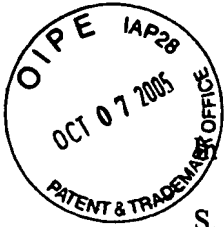
Person mailing paper/fee: Marc D. McSwain

Signature Marc D. McSwain

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Group Art Unit: 2174 : Examiner: Ryan F. Pitaro

Serial No.: 10/035,999 : Filed: 12/31/2001

Attorney Docket: ARC9-2001-0121-US1 : Confirmation No.: 2455

Title: GRAPHICAL USER INTERFACE TOOLS FOR SPECIFYING PREFERENCES IN
E-COMMERCE APPLICATIONS

AMENDMENT AFTER FINAL

Commissioner for Patents
Mail Stop AF
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is in response to a final Office Action for the above-identified application mailed on July 1, 2005. Claims 1-12 and 14-17 are pending. Claims 1-2, 6-8, 10, and 14-17 are rejected under 35 U.S.C. 103(a) as unpatentable over Sasaki in view of Kaplan in further view of Mankoff. Claims 3-5 and 9 are similarly rejected as unpatentable over the same art in view of Windows NT. Claims 11-12 are similarly rejected as unpatentable over the same art in view of JavaScript Buttons. Reconsideration of the rejections in view of Applicant's remarks and amendments below (and entry of those amendments, which are believed to place the application in better condition for allowance or appeal) is respectfully requested.

IN THE CLAIMS

Please cancel claims 8, 10-12 and amend the remaining claims to read as shown below:

ARC9-2001-0121-US1

-1-

1 1. (Previously Presented) A method for specifying user preferences, comprising:
2 generating a pull-down menu in a graphical user interface; and
3 enabling a user to move labeled items in said pull-down menu representing user
4 choices describing variables in electronic commerce transactions such that
5 relative positions of said items correspond to relative user preferences.

1 2. (Previously Presented) The method of claim 1 further comprising a user deleting said
2 items representing unacceptable user choices.

1 3. (Previously Presented) The method of claim 1 further comprising a user deleting said
2 items representing uninteresting user choices.

1 4. (Previously Presented) The method of claim 1 further comprising a user limiting the
2 number of said items using a cut-off bar.

1 5. (Previously Presented) The method of claim 1 wherein said moving further comprises
2 clicking and dragging.

1 6. (Previously Presented) A system for specifying user preferences, comprising:
2 a computing device generating a graphical user interface;
3 a pull-down menu in said graphical user interface including labeled items
4 representing available user choices describing variables in electronic
5 commerce transactions; and
6 an input device enabling said user to arrange said items such that relative positions
7 of said items correspond to relative user preferences.

1 7. (Original) The system of claim 6 wherein said computing device is at least one of:
2 a personal computer, a cellular telephone, a personal digital assistant, a pager.

1 8. (Canceled).

1 9. (Original) The system of claim 6 wherein said items form a hierarchy.

1 10-13. (Canceled)

1 14. (Previously Presented) The system of claim 6 wherein said electronic commerce
2 transactions include at least one of: making travel reservations, shopping online, choosing a
3 restaurant, selecting a vendor, providing marketing data, specifying employment interests.

1 15. (Previously Presented) The system of claim 6 wherein said input device is at least one
2 of: a mouse, an isometric finger-operated computer pointing device, a trackball, a keyboard,
3 a stylus, a touch-sensitive screen, a speech analyzer.

1 16. (Previously Presented) A system for specifying user preferences, comprising:
2 means for generating a pull-down menu in a graphical user interface; and
3 means for enabling a user to move labeled items in said pull-down menu representing
4 user choices describing variables in electronic commerce transactions such
5 that relative positions of said items correspond to relative user preferences.

1 17. (Currently Amended) A computer program product for specifying user preferences
2 comprising a machine-readable medium having tangibly embodying computer-executable
3 code means thereon including:
4 a first code means for generating a pull-down menu in a graphical user interface;
5 a second code means for enabling a user to move labeled items in said pull-down
6 menu representing user choices describing variables in electronic commerce
7 transactions such that relative positions of said items correspond to relative
8 user preferences; and
9 a third code means for processing said specified user preferences.

REJECTIONS UNDER 35 U.S.C. 103(a)

In response to the Office Action, Applicants cancel claims 8 and 10-12 to advance prosecution and amend claim 17 to more clearly define the invention. Remarks below apply to all claims.

Sasaki teaches generating a pull-down menu in a graphical user interface as the Examiner asserts. However, Sasaki does not allow a user to specify preferences as taught and claimed by the present invention. Instead, Sasaki sorts a list of cameras to be controlled “in accordance with the degrees of frequency of use thereof so that the camera names are displayed in a list in order of decreasing frequency of use.” (abstract, column 9 line 65 to column 10 line 15) Alternately, Sasaki can sort the list of cameras “in order of decreasing time over which the cameras have been selected for control” (column 10 lines 38-40) or “the number of times a camera control command is issued may be counted and the pull-down menu 130 may be displayed in order of decreasing count value” (column 10 lines 42-45).

Kaplan is invalid prior art under 35 U.S.C. 103(a). Kaplan and the present patent application were, at the time the invention described in the present patent application was made, owned by IBM Corporation. Kaplan is thus disqualified as a prior art reference under 35 U.S.C. 103(a) and the rejection is overcome. See MPEP 706.02(l)(2).

Mankoff teaches a system and method of managing virtual documents, such as virtual coupons that may be used for online ordering. A user may employ a pull-down list to select a vendor for online shopping, according to the section of Mankoff cited by the Examiner. However, Mankoff fails to remedy the shortcomings of Sasaki cited above, e.g. Mankoff also fails to allow a user to specify preferences as taught and claimed by the present invention.

In contrast, the present invention allows a user to specify preferences regarding available user choices describing electronic commerce transactions by moving labeled items in a pull-down menu, so that relative item positions correspond to relative user preferences. Neither Sasaki nor Mankoff allow a user to directly specify preferences by moving labeled items in a pull-down menu. Thus, as not all elements of the present invention are taught or suggested by the cited prior art, the obviousness rejections are overcome.

Regarding dependent claim 2 specifically, Sasaki teaches the automatic determination of whether power is being supplied to a particular camera. Sasaki then responsively does not display pull-down menu items corresponding to such unpowered cameras, or displays them "such that the user can distinguish the camera from one whose power supply is ON." (Column 12 lines 44-46). However, Sasaki fails to teach enabling a user to delete items representing unacceptable user choices, as taught and claimed by the present invention (page 4 lines 4 and 9, page 6 lines 20-21). Applicants amended claim 2 to clarify this point.

Applicants respectfully traverse the rejections of claims 3-5 and 9. The Start Bar in the Windows (R) family of operating systems is well known in the art, but is not related to arranging items in pull-down menus to specify user preferences regarding electronic commerce transactions as stated in the as-amended claims. Thus, the combination of Sasaki and Windows NT fail to each or suggest the present invention, either separately or in combination.

All pending claims are believed to be allowable as amended. The Examiner is invited to call Applicant's undersigned representative if a telephone conference will expedite the prosecution of this application.

COPY

Respectfully submitted,

Shanmugasundaram Ravikumar et al.

By Marc D. McSwain

Marc D. McSwain (#44,929)

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